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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,710	03/17/2004	Wen Hsiang Yueh	MR1957-862	1839

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ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

EXAMINER

YUN, EUGENE

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/801,710

Applicant(s)

YUEH, WEN HSIANG

Examiner

Eugene Yun

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 2, and 4-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagayasu et al. (US 7,110,800).

Referring to Claim 1, Nagayasu teaches a bluetooth earphone module with audio player function, comprising:

a DSP unit processing a digital signal (see 24 in fig. 5A);

a bluetooth module receiving a remote data signal and replying with a modulation signal (see col. 2, lines 11-19);

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a voice transmission and encoder/decoder unit connected to the DSP unit and the bluetooth module for encoding/decoding voice and converting digital/analog messages (see col. 7, lines 16-24);

an audio player decoder connected to the DSP unit for decoding the audio player file into a voice signal (see col. 7, lines 18-22);

a voice output unit connected to the voice transmission and encoder/decoder unit and the audio player decoder (see col. 7, lines 24-29); and

a microphone connected to the voice transmission and encoder/decoder unit (see 13 in fig. 5A).

Referring to Claim 2, Nagayasu also teaches a memory unit connected to the DSP unit for storing the digital data (see col. 11, lines 20-29).

Referring to Claim 4, Nagayasu also teaches an input unit is connected to the DSP unit for controlling the DSP unit with a control signal (see col. 5, lines 53-62).

Referring to Claim 5, Nagayasu also teaches the voice output unit as an earphone (see 18 in fig. 1).

Referring to Claim 6, Nagayasu also teaches an ancillary earphone connected to the voice transmission and encoder/decoder and the audio player decoder (see col. 7, lines 24-32).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 7-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Nagayasu in view of Dvorak (US 7,116,940).

Referring to Claim 3, Nagayasu does not teach a flash memory. Dvorak teaches a flash memory (see col. 2, lines 40-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Dvorak to said device of Nagayasu in order to expand the capabilities of a short range, hands free communication.

Referring to Claim 7, Nagayasu does not teach a reader unit connected to the DSP unit and a memory card, and controlled by the DSP unit for accessing the digital data of the memory card. Dvorak teaches a reader unit connected to the DSP unit and a memory card, and controlled by the DSP unit for accessing the digital data of the memory card (see col. 3, lines 52-58). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Dvorak to said device of Nagayasu in order to expand the capabilities of a short range, hands free communication.

Referring to Claim 8, Dvorak also teaches the memory card removable connected to the reader unit (see col. 2, lines 40-42).

Referring to Claim 9, Dvorak also teaches a flash memory (see col. 2, lines 40-42).


Referring to Claim 10, Dvorak also teaches the memory card as an MS (Memory Stick) card, a CF (Compact Flash) card, an SMC (Smart Media) card, an MMC (Multi Media) card or an SD (Secure Digital) card (see col. 2, lines 31-42).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (571) 272-7860. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571)272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Eugene Yun
Examiner
Art Unit 2618

EY


MATTHEW ANDERSON
SUPERVISORY PATENT EXAMINER